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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/884,648	06/19/2001	Christopher Poli	GIC-627	2638
20028	7590	07/27/2005	EXAMINER	
Lipsitz & McAllister, LLC 755 MAIN STREET MONROE, CT 06468			SHANG, ANNAN Q	
			ART UNIT	PAPER NUMBER
			2617	

DATE MAILED: 07/27/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No. 09/884,648	Applicant(s) POLI, CHRISTOPHER	
	Examiner Annan Q. Shang	Art Unit 2617	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 19 June 2001.
2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-18 is/are pending in the application.
4a) Of the above claim(s) _____ is/are withdrawn from consideration.
5) ☐ Claim(s) _____ is/are allowed.
6) ☒ Claim(s) 1-18 is/are rejected.
7) ☐ Claim(s) _____ is/are objected to.
8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|---|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date <u>08/23/01</u> . | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Claim Rejections - 35 USC § 102

1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

2. Claims 1-18 are rejected under 35 U.S.C. 102(e) as being anticipated by **Rowe et al (6,792,615)**.

As to claims 1-4 and 7-9, note **Rowe** reference figures 1 and 13-14, discloses encapsulated, streaming media automation and distribution system and further discloses a method and system for transmitting broadcast messages (from Network Operation Center 'NOC' 300) for receipt by specific recipients (Set Top Box 'STB' 452) in a network (figs. 1 and 13-14), the network having multiple interim processing points (Remote Channel Origination Node 'RCON' 500 or Headend 'HE' 450 'HE/RCON 450/500'), comprising the steps of:

generating a broadcast message, encasing the broadcast message in a message in a message envelope for directing the broadcast message to a specific interim processing point (Product Design Integration Distribution 'PDID' 140, fig. 4B and col. 19, line 45-col. 20, line 1+, of NOC 300 'a national control for television' generates

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and encases plurality of streams in packets 'message' containing address(es) 'header(s)' to a plurality of specific geographical areas or receiving points, HE/RCON 450/500 'interim processing point', figs. 1, 3A, 7, 8, 13-14, and col. 10, lines 33-67, col. 11, line 56-col. 12, line 6 and col. 14, line 45-col. 15, line 26);

transmitting (Transmitter of NOC 300, transmits via satellite, cable, etc., figs. 4B, 9, col. 19, line 45-col. 20, line 13 and line 51-col. 21, line 1+) the message from the message source (NOC 300) to the specific interim processing point or Nodes (Receivers of HE/RCON 450/500, fig. 14 and col. 40, line 47-col. 41, line 1+);

stripping the message (HE/RCON 450/500 processes the receive packets, strips, filters, decrypts, etc., before distributing via 'a second transmitter' to specific users or STBs) envelope from the message, and forwarding the broadcasting message from the specific interim processing point (HE/RCON 450/500) to recipients or Client Devices (STBs 452, col. 38, line 66-col. 40, line 1+) associated with the specific processing point.

As to claims 5-6, Rowe further discloses where the broadcast message contains pre-configuration information for the STB 452, which allows STB 452 to acquire at least one of configuration information, platform layer information, control channel information, application information, authorization information and system information (fig. 12 and col. 37, line 39-col. 38, line 1+).

As to claims 10-13 and 16-18, the claimed "a system for transmitting broadcast messages for receipt by specific recipients in a network..." contains the same structural elements of rejected claims 1-4 and 7-9.

Claims 14 and 14 are met as previously discussed with respect to claims 5-6.

Conclusion

3. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

Hendricks et al (6,539,548) disclose operations center for television program packaging and delivery.

Boylan et al (6,799,326) discloses interactive television program guide system with local advertisements.

Ellis et al (6,774,926) discloses personal television channel system.

4. Any inquiry concerning this communication or earlier communications from the examiner should be directed to **Annan Q. Shang** whose telephone number is **571-272-7355**. The examiner can normally be reached on **700am-400pm**.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, **Christopher S. Kelley** can be reached on **571-272-7331**. The fax phone number for the organization where this application or proceeding is assigned is **703-872-9306**.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the **Electronic Business Center (EBC)** at 866-217-9197 (toll-free).



Annan Q. Shang.



**VIVEK SRIVASTAVA
PRIMARY EXAMINER**